



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
RICHARD T. DEWLING, Ph.D., P.E., COMMISSIONER
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(IN THE MATTER OF CERTAIN AMENDMENTS)
(TO THE ADOPTED AND APPROVED SOLID)
(WASTE MANAGEMENT PLAN OF THE)
(CAMDEN COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION
OF THE APRIL 14, 1988
AMENDMENT TO THE CAMDEN COUNTY DISTRICT
SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the state's counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective districts. On July 17, 1980, the Department approved, with modifications, the Camden County District Solid Waste Management Plan.

The Act requires that all district plans be based on and accompanied by a report detailing the existing waste disposal situation in the district, and a plan which includes the strategy to be followed by the district in meeting the solid waste management needs of the district for the ten-year planning period. The report must detail the current and projected waste generation for the district, inventory and appraise all facilities in the district, and analyze the waste collection and transportation systems which serve the district. The disposal strategy must include the maximum practicable use of resource recovery techniques. In addition to this strategy, the plan must designate sufficient available suitable sites for the disposal of the district's waste for the ten-year period, which sites may be in the district or, if none are available, in another district. (The Act provides procedures for reaching any necessary interdistrict agreements.)

The Act further provides that a district may review its plan at any time and, if found inadequate, a new plan must be adopted. The Camden County Board of Chosen Freeholders completed such a review and on April 14, 1988, adopted an amendment to its approved district solid waste management plan. The amendment would redirect type 10 and 13 commercial waste and type 27 industrial waste generated in Chesilhurst Borough, Waterford and Winslow Townships from the Winslow Landfill for out-of-state disposal.

The amendment was received by the Department of Environmental Protection on May 6, 1988, and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment, as well as the entire Camden County District Solid Waste Management Plan, and has determined that the amendment adopted by the Camden County Board of Chosen Freeholders on April 14, 1988, is approved as provided in N.J.S.A. 13:1E-24. With regard to the district plan, while the requirements of the Act concerning the report have been met, the district's plan remains deficient in some important ways.

B. Findings and Conclusions with Respect to the Camden County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I, Richard T. Dewling, Commissioner of the Department of Environmental Protection have studied and reviewed the April 14, 1988 amendment to the Camden County District Solid Waste Management Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that this plan amendment is consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to sixteen review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department of Environmental Protection as well as the Board of Public Utilities. Also among these agencies were the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Office of Recycling, the Department of Agriculture, the Department of Transportation, and the New Jersey Turnpike Authority. Of these agencies, the following did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Environmental Quality, Water Resources, Parks and Forestry, and Coastal Resources, the State Department of Agriculture, the Green Acres Program, the New Jersey Turnpike Authority, and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Fish, Game and Wildlife; the State Departments of Health, Community Affairs, Transportation and the Public Advocate; the Pinelands Commission and the U.S. Environmental Protection Agency. The Board of Public Utilities submitted substantive comments which are further addressed below.

The Board of Public Utilities commented that implementation of this amendment will likely mean marked increases in solid waste collection rates for commercial and industrial customers in Chesilhurst, Waterford, and Winslow. The filed tariff rate at the Winslow landfill, which is a public utility regulated by the Board, is \$3.25 per cubic yard. The Township of Winslow, as a regulated utility, must file a petition with the Board to discontinue service to the commercial/industrial collectors, in accordance with N.J.A.C. 14:3-10.11(B). In response, by copy of this certification Winslow Township is notified of this requirement.

C. Certification of Camden County District Solid Waste Management Plan Amendment

I, Richard T. Dewling, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-21, which established specific requirements regarding the contents of the district solid waste management plans, have reviewed the April 14, 1988 amendment to the approved Camden County District Solid Waste Management Plan and certify to the Camden County Board of Chosen Freeholders that the April 14, 1986 amendment is approved as further specified below.

The inclusion within the district plan of the provision that commercial waste types 10 and 13 and industrial waste type 27 generated within the Borough of Chesilhurst, Township of Waterford and Township of Winslow be redirected from the Winslow Township Sanitary Landfill to solid waste disposal facilities located outside the State of New Jersey is approved. All solid waste types 10, 13, 23, 25 and 27 generated in Berlin Borough and Berlin Township that is collected and transported by the public works departments of those municipalities will continue to be accepted at the Winslow Landfill as stipulated in the Camden County District Solid Waste Management Plan Amendment of October 24, 1985. All waste types 10, 13, 23, 25 and 27 generated in Berlin Borough and Berlin Township that is collected and transported by private collector/haulers shall be directed from the Winslow Township Sanitary Landfill to out-of-state facilities when such disposal does not violate any law of the receiving state. Also, the Winslow Township Landfill will continue to accept for disposal residential waste types 10, 13, 23, 25 and 27 generated within Chesilhurst Borough, Waterford and Winslow Townships.

The Department has also reviewed the entire Camden County District Solid Waste Management Plan, including this amendment, to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The plan continues to be deficient with respect to the requirements of N.J.S.A. 13:1E-21(b)(3). This plan deficiency is related to interim and long-term landfill capacity.

In light of the lack of progress of Camden County to advance an in-county residual landfill project which would provide the county with capacity to meet its total disposal demand, the county is hereby ordered to submit, in writing, its plan of action for developing in-county residual landfill capacity to accommodate material from the Camden County resource recovery projects. Recent events have demonstrated the extremely tenuous nature of reliance upon out-of-state disposal. Therefore, the county must develop sites in order to provide for in-county landfill capacity, reach an interdistrict agreement to provide this capacity, or attempt to certify its failure to do so through the adoption and submission of a plan amendment to be reviewed by the Department. This amendment must be approved by the board of chosen freeholders. Further, the Department reiterates its policy that the primary reliance on out-of-state disposal will not be permitted beyond December 31, 1992.

D. Other Provisions Affecting the Plan Amendment

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with the within amendment to the Camden County District Solid Waste Management Plan and which was executed prior to the approval of this amendment and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions herein set forth. Any solid waste collection operation or disposal facility registered by the Department of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the Camden County District Solid Waste Management Plan if such renegotiation is not completed within ninety (90) days of the effective date of this amendment; provided, however, that any such registrant may, upon application to the Department of Environmental Protection, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and collector/haulers registered with the Department of Environmental Protection and operating within Camden County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Camden County District Solid Waste Management Plan. Any facility operator or collector/hauler who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., in violation of N.J.A.C. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility or a collection system issued thereunder by the Department of Environmental Protection and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the District Solid Waste Management Plans

The provisions of the Camden County District Solid Waste Management Plan shall apply to all solid wastes defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-1.4 and 2.13 and shall not apply to liquid wastes, sewage sludge, septage, and hazardous wastes. Also, all non-hazardous materials separated at the point of generation for sale or reuse are excluded from the waste flows designated in the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6).

4. Certification to Proceed with the Implementation of Plan Amendment

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the Camden County Board of Chosen Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the county shall proceed with the implementation of the approved amendment contained herein.

5. Definitions

For the purpose of this amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendment

The amendment to the Camden County District Solid Waste Management Plan contained herein shall take effect immediately.

7. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Camden County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide Solid Waste Management Plan with appendices which includes the Department's planning guidelines and rules, regulations, and orders of the Department, including the interdistrict and intradistrict waste flow rules, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of Approval of the Amendment and Notification of Deficiency by the Commissioner of the Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the amendment as outlined in Section C. of this certification to the Camden County District Solid Waste Management Plan which was adopted by the Camden County Board of Chosen Freeholders on April 14, 1988.

Further, I hereby direct the Camden County Board of Chosen Freeholders to address the remaining deficiency within the district plan in an expeditious manner.

August 1, 1988
DATE

Richard T. Dewling
RICHARD T. DEWLING
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION